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September 3, 2008

Date of Deposit

Stephen C. Smith, Reg. No. 56,250

Name of applicant, assignee or

Registered Representative

/Stephen C. Smith/

Signature

September 3, 2008

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Foster et al.

Appln. No.: 10/617,580

Filed: July 11, 2003

For: Flexible Cannula

Attorney Docket No: 10922-51

Examiner: Nguyen

Art Unit: 3731

Confirmation No. 3677

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98,
and more particularly in accordance with 37 CFR §1.97(c), Applicant hereby cites the
following reference(s):

OTHER ART – NON PATENT LITERATURE DOCUMENTS

Copy of Minutes of Oral Proceeding held on July 3, 2008 for related EPO application number
03 764 480.4, dated July 21, 2008

Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 CFR §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

For purposes of 37 CFR §1.704(d), the Applicant or Applicants certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement (a copy of any foreign communication first citing a listed reference is attached for the Examiner's reference).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

September 3, 2008
Date

/Stephen C. Smith/
Stephen C. Smith
(Reg. No. 56,250)